

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

NELSON VAZQUEZ,

Defendant.

2:10-cr-00462-LRH-PAL

MINUTE ORDER

June 27, 2012

PRESENT: THE HONORABLE LARRY R. HICKS, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: NONE APPEARING REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

**MINUTE ORDER IN CHAMBERS:**

Before the court is the United States' Motion to Amend Judgment (#43)<sup>1</sup>. No response has been filed by the Defendant.

The court was reluctant to enter a judgment of forfeiture in this action because of concerns that a restitution order may have also needed consideration. Federal Rule of Criminal Procedure 32.2 specifically provides for a money judgment as a form of criminal forfeiture. Similarly, a court may order a defendant to pay both restitution and additionally enter a forfeiture judgment in the same amount. *United States vs. Boulware* 384 F.3d 794, 813 (9<sup>th</sup> Cir. 2004). Here, as found at the Defendant's sentencing hearing, the Defendant Nelson Vazquez, obtained five hundred twenty-five thousand three hundred twenty-six dollars and fifty cents (\$525,326.50) as a result of the crime he committed and to which he entered his guilty plea. Under these circumstances it was totally appropriate for the Government to request a forfeiture judgment against Vazquez in the aforementioned amount. Because restitution in this case would be duplicitous and would result in an unnecessary windfall to the Government, the court will not add a restitution award to the forfeiture award. The court recognizes that this has not been requested by the Government and that

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<sup>1</sup> Refers to court's docket number.

the underlying motion was largely a product of the court's delay relative to forfeiture vs. restitution.

Good cause appearing, the court hereby GRANTS the Government's Motion to Amend Judgment (#43) and ORDERS that the judgment herein be amended to reflect an award of forfeiture in favor of the Government in the amount of five hundred twenty-five thousand three hundred twenty-six dollars and fifty cents (\$525,326.50).

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By:                     /s/                      
Deputy Clerk